

REMARKS

Claims 1-24 are pending in the present application. Claim 24 is a new claim, added by way of this amendment.

The Examiner has rejected claims 1-23 under 35 U.S.C. § 103(a) as being unpatentable over Ould-Brahim et al., "BGP/GMPLS Optical VPNs" (hereinafter "Ould-Brahim") in view of Rosen et al., "BGP/MPLS VPNs" (hereinafter "Rosen").

To establish that any claim is obvious, the Examiner must identify: 1) all of the claimed elements in the prior art; 2) a reason or motivation to combine these elements to arrive at the claimed invention; and 3) a reasonable likelihood of success. (see M.P.E.P. 2141)

Claim 1 has been amended to incorporate limitations from the specification.

Claim 1, as amended, requires that the services connecting customer ports to provider ports "allow said elements of said first subset of elements to establish Layer-3 peering with said second set of elements to exchange routing information" (see paragraph [0151] of the application as published, among other paragraphs). Furthermore, claim 1 requires creation of "Layer-2 connectivity between elements within said first subset of elements at the Layer-2 level across said Layer-3 VPN service" (see paragraph [0145] of the application as published, among other paragraphs). Such Layer-3 peering between customer elements and

provider elements and Layer 2 connectivity creation beneficially facilitates the provision of a Layer-2 VPN across a Layer-3 service.

It is submitted that neither Ould-Brahim nor Rosen disclose Layer-3 peering between customer elements and provider elements, in combination with Layer 2 connectivity creation, to facilitate the provision of a Layer-2 VPN across a Layer-3 service.

Since neither Ould-Brahim, nor Rosen, nor a combination of Ould-Brahim and Rosen disclose the Layer-3 peering between customer elements and provider elements, in combination with Layer 2 connectivity creation, the combination of Ould-Brahim and Rosen may not be used to reject claim 1 as obvious. It is respectfully requested that the Examiner withdraw the rejection of claim 1, and the rejection of claims 2-11 dependent thereon, on that basis.

Claim 12 has been amended to incorporate limitations from the specification.

Claim 12, as amended, requires that the services connecting customer ports to provider ports "allow said elements of said first subset of elements to establish Layer-3 peering with said second set of elements to exchange routing information" (see paragraph [0151] of the application as published, among other paragraphs). Furthermore, claim 12 requires creation of "Layer-2 connectivity between elements within said first subset of elements at the Layer-2 level across said Layer-3 VPN service" (see paragraph [0145] of the application as published,

among other paragraphs). Since, as discussed above, neither Ould-Brahim, nor Rosen, nor a combination of Ould-Brahim and Rosen disclose the Layer-3 peering between customer elements and provider elements, in combination with Layer 2 connectivity creation, the combination of Ould-Brahim and Rosen may not be used to reject claim 12 as obvious. It is respectfully requested that the Examiner withdraw the rejection of claim 12, and the rejection of claims 13-22 dependent thereon, on that basis.

Claim 23 has been amended to incorporate limitations from the specification.

Claim 23, as amended, requires that the services connecting customer ports to provider ports "allow said elements of said first subset of elements to establish Layer-3 peering with said second set of elements to exchange routing information" (see paragraph [0151] of the application as published, among other paragraphs). Furthermore, claim 1 requires creation of "Layer-2 connectivity between elements within said first subset of elements at the Layer-2 level across said Layer-3 VPN service" (see paragraph [0145] of the application as published, among other paragraphs). Since, as discussed above, neither Ould-Brahim, nor Rosen, nor a combination of Ould-Brahim and Rosen disclose the Layer-3 peering between customer elements and provider elements, in combination with Layer 2 connectivity creation, the combination of Ould-Brahim and Rosen may not be used to reject claim 23 as obvious. It is respectfully requested that the Examiner withdraw the rejection of claim 23 on that basis.

Claims 2-11, 16, 18 and 22 have been amended to correct typographical errors.

In view of the foregoing, the applicant respectfully submits that claims 1-24 are now in condition for allowance. Favorable reconsideration and allowance of claims 1-24 are respectfully requested.

Respectfully Submitted,
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